

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVID MAC, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF
MICHIGAN and DÜRR SYSTEMS,
INC.,

Defendants.

Case No. 2:16-cv-13532-PDB-RSW

Hon. Paul D. Borman

Magistrate R. Steven Whalen

STATEMENT OF NO PROCEDURAL CHALLENGE IN ERISA CASE

Defendants Blue Cross Blue Shield of Michigan and Dürr Systems, Inc., by and through their undersigned counsel, submit this Statement of No Procedural Challenge pursuant to Judge Borman's Stipulated Order to Amend Dates Set Forth in the Scheduling Order for ERISA Action dated July 12, 2017. Defendants are not asserting a procedural challenge as to the administrator's decision in this matter, such as an alleged lack of due process afforded by the administrator or alleged bias.¹

¹ Defendants will, however, assert various defenses, including that plaintiff and/or putative class members failed to exhaust their administrative remedies. To their knowledge, these are not procedural challenges as contemplated by the Order, but rather constitute defenses to this case.

Dated: September 26, 2017

Respectfully submitted,

/s/ Arthur T. O'Reilly

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CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to all parties of record.

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